

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FREDRIC AARON DODD,

Petitioner,

v.

CV 15-106 RB/WPL

BILLY MASSINGILL, Warden,

Respondent.

**ORDER ADOPTING MAGISTRATE JUDGE’S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition, filed April 7, 2015. (Doc. 9.) The parties were notified that any objections to the Proposed Findings were due within fourteen days of service. If Plaintiff does not file objections, he will be barred from seeking appellate review. To this date, no objections have been filed.

The record further reflects that recent mailing to Plaintiff was returned as undelivered. (Doc. 10.) Four weeks have passed yet Plaintiff has not attempted to reinstitute communications with the Court. Plaintiff is obligated to inform the Court of any changes in custody or address, as required by D.N.M.LR-Civ 83.6; *see also Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980) (“It is incumbent on litigants, even those proceeding pro se, to follow the federal rules of procedure [and] simple, nonburdensome local rules”). Failing to abide by this obligation is no excuse for halting litigation. *See Santistevan v. Colorado Sch. Of Mines*, 150 F. App’x 927, 929-30 (10th Cir. 2005) (finding that the district court was “prejudiced by the complete lack of

any meaningful advancement in the case” when the plaintiff failed to update his contact information).

If Plaintiff can show good cause (1) why he failed to update his address for four weeks; and (2) why the Court should consider his objections to the Proposed Findings, the Court may reconsider this Order. To merit reconsideration, Plaintiff must show good cause within 28 days of this Order and attach his objections to the Proposed Findings. In the meantime,


IT IS HEREBY ORDERED that:

1) The Proposed Findings and Recommended Disposition (Doc. 9) are **ADOPTED** as an Order of the Court;

2) The Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 by a Person in State Custody (Doc. 1) is **DENIED**;

3) This cause is **DISMISSED** with prejudice; and

4) A certificate of appealability is **DENIED**.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE